

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 28, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President Pro tempore presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by Senate page Fabio Galletta.

Roll Call: All members present except Sens. Buhl and Hunhoff who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Taxation respectfully reports that it has had under consideration SB 156
3 and returns the same with the recommendation that said bill be amended as follows:

4 156fa

5 On page 1, after line 14 of the printed bill, insert:

6 "Section 2. That § 31-13-15 be amended to read as follows:

7 31-13-15. Each organized township ~~in the state has power to~~ may divide the township
8 roads or streets in ~~said~~ the township into road districts which shall include not more than
9 ~~one-half~~;

10 (1) One-half mile of township road ~~not more than three~~;

11 (2) Three miles of streets in an unincorporated town; or

12 (3) Five miles of streets in a rural subdivision as defined in § 31-13-32.

13 Section 3. That § 31-13-17 be amended to read as follows:

14 31-13-17. At the time and place of hearing pursuant to § 31-13-16, the board of supervisors
15 shall consider the petition ~~and if in the opinion of~~. If the supervisors determine it shall be
16 ~~considered~~ advisable, they the supervisors may, by resolution, assess such properties in the road
17 district for purposes of road improvement for such an amount as the supervisors determine
18 advisable; The assessment may not to exceed the amount set forth in the petition and in no
19 event more than seventy-five cents may the assessment exceed two dollars a foot front in any
20 one calendar year. ~~Such assessments~~ The assessment shall be certified to the county and
21 collected as a part of the real estate taxes against the property so assessed and ~~shall~~ may only
22 be used by the township ~~only~~ for the purpose of road improvement in the road district, or part
23 thereof, in which assessed."

24 156fta

25 On page 1, line 2, of the printed bill, delete "and repairs" and insert ", repairs, and
26 improvements and to revise certain provisions concerning road districts established by
27 townships".

28 And that as so amended said bill do pass.

29 Also MR. PRESIDENT:

30 The Committee on Taxation respectfully reports that it has had under consideration SB 157
31 and returns the same with the recommendation that said bill be amended as follows:

1 157fc

2 On page 2, line 8, of the printed bill, delete "twenty" and insert "two and one-half".

3 On page 2, line 10, delete "equally between the county and" and insert "among the".

4 On page 2, line 15, delete "local government road improvement grant" and insert "property
5 tax reduction".

6 And that as so amended said bill do pass.

7 Respectfully submitted,
8 Ryan Maher, Chair

9 Also MR. PRESIDENT:

10 The Committee on Health and Human Services respectfully reports that it has had under
11 consideration SB 181 and returns the same with the recommendation that said bill be amended
12 as follows:

13 181ja

14 On page 1, after line 10 of the printed bill, insert:

15 "Section 2. That chapter 36-26 be amended by adding thereto a NEW SECTION to read
16 as follows:

17 The board may enter into a national or multi state licensing compact to provide licensing
18 reciprocity for social workers."

19 181jc

20 On page 1, line 10, of the printed bill, after "." insert "The board may also require the
21 applicant to provide a letter from the licensing board in the state where the applicant is licensed
22 certifying that the applicant's license is current and valid, that there have been no complaints
23 filed against the applicant, and that there are no ongoing investigations or ethics violations
24 against the applicant."

25 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration SB 98 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Deb Soholt, Vice Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to transmit herewith HB 1028, 1033, 1038, 1050, 1069, 1075, 1086, 1090,
9 1091, and 1117 which have passed the House and your favorable consideration is respectfully
10 requested.

11 Also MR. PRESIDENT:

12 I have the honor to return herewith SB 46 and 54 which have passed the House without
13 change.

14 Respectfully,
15 Arlene Kvislen, Chief Clerk

16 **MOTIONS AND RESOLUTIONS**

17 Sen. Olson moved that SB 56 and 76 be deferred to Monday, February 4, the 17th
18 legislative day.

19 Which motion prevailed.

20 Sen. Olson moved that HCR 1001, SB 16 and 21 and HB 1021, 1031, and 1066 be deferred
21 to Tuesday, January 29, the 14th legislative day.

22 Which motion prevailed.

23 SR 1 Introduced by: Senators Rhoden, Adelstein, Begalka, Bradford, Brown, Buhl, Ewing,
24 Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Jensen, Johnston, Jones, Kirkeby, Krebs,
25 Lederman, Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie),
26 Peters, Rampelberg, Rave, Soholt, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle, Welke, and
27 White

1 A RESOLUTION, endorsing the induction of Tom C. Miller into the PRCA Rodeo Hall of
2 Fame.

3 WHEREAS, South Dakota has dominated the sport of professional saddle bronc riding since
4 its inception from the first great champion, Earl Thode, through the incomparable Casey Tibbs,
5 to the charismatic Etbauer brothers, and on to the current generation well represented by Jeff
6 Willert, Jesse Bail, and Chad Ferly; and

7 WHEREAS, in all that proud tradition no name shines brighter and no personality rings truer
8 than the character and integrity personified by Tom C. Miller; and

9 WHEREAS, Tom is a true son of the South Dakota prairie and the lonesome grasslands of
10 rural Meade County; and

11 WHEREAS, Tom was the trail boss of a rowdy, but successful Black Hills State College
12 team that deadsolid dominated national collegiate rodeo competition in the early seventies; and

13 WHEREAS, Tom was the perpetual and unchallenged all-around collegiate cowboy working
14 both ends of the area with equal facility and often outscoring, by himself, most of the other
15 teams entered at a competition; and

16 WHEREAS, Tom possessed the consummate athleticism and determination to excel in all
17 three roughstock events and could have professionally pursued any of the three with
18 extraordinary success; and

19 WHEREAS, Tom, nevertheless, chose to concentrate his career on saddle bronc riding with
20 such singular consistency that he qualified for the National Finals Rodeo six times and won the
21 average against the best in the world an incredible three times; and

22 WHEREAS, like the legendarily talented Phil Lyne, there is no telling what an impact Tom
23 might have had on rodeo's record book if he had not always put family and ranch first and kept
24 the grind of the rodeo circuit in perspective; and

25 WHEREAS, Tom never refused to encourage and coach less talented aspirants, to maintain
26 a calm and restrained demeanor in the midst of the chaos behind the chutes, and to refrain from
27 any rowdy behaviors of the kind that might have been detrimental to the best image of the sport;
28 and

29 WHEREAS, the Selection Committee of the Pro Rodeo Hall of Fame, through their
30 nomination of Tom, has the opportunity to honor one of the most talented and deserving bronc
31 riders that ever measured a bronc rein or nodded for a gate; and

32 WHEREAS, Tom's induction would also honor a high plains ranch lifestyle and a set of
33 solid values that, growing from the South Dakota sod, are as relevant today to a life well lived
34 as at any time in the history of our nation:

35 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Eighth Legislature
36 of the State of South Dakota, that the Senate of the Legislature of the State of South Dakota

1 heartily and without reservation endorses the induction of Tom C. Miller into the PRCA Hall
2 of Fame.

3 Was read the first time, the President waived the referral to committee, and placed SR 1
4 on the calendar of Tuesday, January 29, the 14th legislative day.

5 HCR 1002: A CONCURRENT RESOLUTION, Urging the United States Supreme Court
6 to revisit the Roe v. Wade case and to overturn its decision.

7 Was read the second time.

8 Sen. Jensen moved that the Senate do concur in HCR 1002 as found on page 128 of the
9 House Journal.

10 The question being on Sen. Jensen's motion that HCR 1002 be concurred in.

11 And the roll being called:

12 Yeas 23, Nays 10, Excused 2, Absent 0

13 Yeas:

14 Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Johnston; Krebs;
15 Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters;
16 Rampelberg; Rave; Rhoden; Sutton; Van Gerpen; White

17 Nays:

18 Adelstein; Bradford; Jones; Kirkeby; Lucas; Soholt; Tidemann; Tieszen; Vehle; Welke

19 Excused:

20 Buhl; Hunhoff (Jean)

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 President declared the motion carried and HCR 1002 was concurred in.

23 HCR 1003: A CONCURRENT RESOLUTION, Commending the nation of Israel for its
24 cordial relationship with the United States and with the State of South Dakota.

25 Was read the second time.

26 Sen. Johnston moved that the Senate do concur in HCR 1003 as found on page 150 of the
27 House Journal.

28 The question being on Sen. Johnston's motion that HCR 1003 be concurred in.

29 And the roll being called:

1 Yeas 33, Nays 0, Excused 2, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
4 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
5 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
6 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Buhl; Hunhoff (Jean)

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried and HCR 1003 was concurred in.

11 **CONSIDERATION OF REPORT OF COMMITTEE**

12 Sen. Olson moved that the report of the Standing Committee on

13 State Affairs on SB 84 as found on page 219 of the Senate Journal be adopted.

14 Which motion prevailed.

15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 203 Introduced by: Senator Maher and Representative Hoffman

17 FOR AN ACT ENTITLED, An Act to revise provisions relating to owners of property
18 located near water.

19 Was read the first time and referred to the Committee on Agriculture and Natural
20 Resources.

21 SB 204 Introduced by: The Committee on State Affairs at the request of the Office of the
22 Governor

23 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the deposit and
24 expenditure of tobacco settlement revenues and bond proceeds.

25 Was read the first time and referred to the Committee on State Affairs.

26 SB 205 Introduced by: Senators Vehle, Begalka, Bradford, Brown, Lucas, Maher, Omdahl,
27 Otten (Ernie), Rampelberg, Rave, Rhoden, Soholt, and Sutton and Representatives Olson

1 (Betty), Carson, Cronin, Greenfield, Heinert, Hoffman, May, Nelson, Qualm, Stalzer, Tulson,
2 Tyler, and Verchio

3 FOR AN ACT ENTITLED, An Act to authorize the hunting of wolves in certain
4 circumstances.

5 Was read the first time and referred to the Committee on Agriculture and Natural
6 Resources.

7 SB 206 Introduced by: Senators Tieszen, Begalka, Frerichs, Johnston, Kirkeby, Krebs,
8 Lederman, Lucas, Olson (Russell), Rampelberg, Rhoden, Tidemann, and Vehle and
9 Representatives Lust, Bartling, Conzet, Craig, Dryden, Gibson, Gosch, Hajek, Hunhoff (Bernie),
10 Johns, Mickelson, Munsterman, Nelson, Olson (Betty), Rozum, Sly, Steele, and Wink

11 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to liability and to
12 worker's compensation and disability payments for law enforcement officers performing duties
13 in other jurisdictions.

14 Was read the first time and referred to the Committee on Judiciary.

15 SB 207 Introduced by: Senators Rhoden, Adelstein, Begalka, Brown, Ewing, Heineman
16 (Phyllis), Holien, Hunhoff (Jean), Johnston, Kirkeby, Krebs, Lederman, Maher, Monroe,
17 Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Peters, Rampelberg, Rave, Soholt,
18 Tidemann, Van Gerpen, Vehle, and White and Representatives Mickelson, Cammack,
19 Campbell, Craig, Ecklund, Erickson, Greenfield, Haggar (Don), Haggar (Jenna), Hansen,
20 Heinemann (Leslie), Hickey, Hoffman, Kaiser, Kopp, Latterell, Magstadt, May, Miller,
21 Munsterman, Nelson, Olson (Betty), Otten (Herman), Qualm, Rasmussen, Rounds, Schoenfish,
22 Schrempp, Solum, Stalzer, Steele, Tulson, Verchio, Werner, Wick, and Wink

23 FOR AN ACT ENTITLED, An Act to make certain legislative findings concerning federal
24 infringement on Second Amendment rights.

25 Was read the first time and referred to the Committee on State Affairs.

26 SB 208 Introduced by: Senators Tidemann, Krebs, Maher, Peters, and Vehle and
27 Representatives Hoffman, Dryden, Kirschman, Olson (Betty), Romkema, Rounds, Schaefer,
28 Schrempp, and Verchio

29 FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate certain state-
30 owned rail lines.

31 Was read the first time and referred to the Committee on Appropriations.

1 SB 209 Introduced by: Senators Tidemann, Buhl, Hunhoff (Jean), Kirkeby, Peters, Sohlt,
2 and Vehle and Representatives Carson, Gibson, Hawley, Hickey, Hunhoff (Bernie), Kirschman,
3 Munsterman, Parsley, Sly, Soli, and Stalzer

4 FOR AN ACT ENTITLED, An Act to provide safety provisions by requiring registration
5 of certain family day care facilities, to establish notification and reporting requirements for
6 violations, and to provide penalties therefor.

7 Was read the first time and referred to the Committee on Health and Human Services.

8 SB 210 Introduced by: Senators Novstrup (Al), Heineman (Phyllis), Kirkeby, Olson
9 (Russell), and Omdahl and Representatives Wick, Lust, and Steele

10 FOR AN ACT ENTITLED, An Act to provide for assessment of agricultural property
11 based on the market, repeal the methodology that assesses agricultural land based on its
12 agricultural income value, and to dissolve the implementation and oversight advisory task force.

13 Was read the first time and referred to the Committee on State Affairs.

14 SB 211 Introduced by: Senator Frerichs and Representative Nelson

15 FOR AN ACT ENTITLED, An Act to provide for additional consumer protections by
16 requiring the attorney general to share certain information related to consumer complaint
17 investigations on contractors.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 SB 212 Introduced by: Senators Frerichs, Krebs, and Maher and Representatives Qualm,
20 Feickert, Kirschman, Novstrup (David), and Schoenfish

21 FOR AN ACT ENTITLED, An Act to permit auctioneers to sell certain motor vehicles that
22 have out-of-state titles.

23 Was read the first time and referred to the Committee on Transportation.

24 SB 213 Introduced by: Senators Frerichs, Olson (Russell), Tidemann, and Welke and
25 Representatives Munsterman, Killer, and Parsley

26 FOR AN ACT ENTITLED, An Act to require certain opportunity scholarship recipients
27 to reside in South Dakota for five years following graduation from postsecondary education.

28 Was read the first time and referred to the Committee on Education.

1 SB 214 Introduced by: Senators Buhl, Adelstein, Bradford, Frerichs, Lederman, Maher,
2 Sutton, Tieszen, and Welke and Representatives Parsley, Feinstein, Hawks, Hickey, and Nelson

3 FOR AN ACT ENTITLED, An Act to prohibit certain unfair or discriminatory practices
4 based on veteran or military status.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 215 Introduced by: Senators Buhl, Adelstein, Bradford, Lederman, Maher, Rhoden, and
7 Sutton and Representatives Feinstein, Bolin, Hawks, Hickey, Nelson, and Parsley

8 FOR AN ACT ENTITLED, An Act to provide procedures by which adopted persons may
9 obtain their original birth certificates.

10 Was read the first time and referred to the Committee on Health and Human Services.

11 SB 216 Introduced by: The Committee on Transportation at the request of the Task Force
12 on Teen Driving Safety

13 FOR AN ACT ENTITLED, An Act to establish a state-wide driver education program.

14 Was read the first time and referred to the Committee on Transportation.

15 SB 217 Introduced by: Senators Bradford, Buhl, Maher, and Sutton and Representatives
16 Heinert, Bartling, Gibson, May, and Schrempp

17 FOR AN ACT ENTITLED, An Act to exempt certain rodeo events from sales taxes.

18 Was read the first time and referred to the Committee on Taxation.

19 SB 218 Introduced by: Senators Vehle, Bradford, Brown, Frerichs, Kirkeby, Lucas, Maher,
20 Monroe, Olson (Russell), Rampelberg, Rave, Rhoden, Sutton, Tieszen, Van Gerpen, and Welke
21 and Representatives Lust, Cronin, Feickert, Gosch, Hoffman, Hunhoff (Bernie), Johns,
22 Magstadt, Mickelson, Munsterman, Olson (Betty), Qualm, Ring, Rozum, Verchio, and Wink

23 FOR AN ACT ENTITLED, An Act to establish a program to assist rural counties to recruit
24 attorneys.

25 Was read the first time and referred to the Committee on Judiciary.

- 1 SB 219 Introduced by: Senators Vehle and Lucas and Representatives Verchio and Feickert
- 2 FOR AN ACT ENTITLED, An Act to revise the fuel excise tax rate for liquid petroleum
3 gas, compressed natural gas, and liquefied natural gas.
- 4 Was read the first time and referred to the Committee on Transportation.
- 5 SB 220 Introduced by: Senator Rampelberg and Representative Verchio
- 6 FOR AN ACT ENTITLED, An Act to revise certain procedures for the vacation, change,
7 or location of public highways.
- 8 Was read the first time and referred to the Committee on Transportation.
- 9 SB 221 Introduced by: Senators Bradford, Adelstein, Lucas, Tieszen, and Welke and
10 Representatives Olson (Betty), Killer, and Ring
- 11 FOR AN ACT ENTITLED, An Act to revise certain penalties relating to the possession
12 of marijuana.
- 13 Was read the first time and referred to the Committee on Judiciary.
- 14 SB 222 Introduced by: Senators Bradford, Adelstein, Buhl, Frerichs, Lucas, Maher, Sutton,
15 and Tieszen and Representatives Bartling, Heinert, and Tyler
- 16 FOR AN ACT ENTITLED, An Act to clarify the voting status of certain parolees and
17 probationers.
- 18 Was read the first time and referred to the Committee on Judiciary.
- 19 SB 223 Introduced by: Senator Brown and Representative Lust
- 20 FOR AN ACT ENTITLED, An Act to clarify the open meetings requirement as applied
21 to the Public Utilities Commission.
- 22 Was read the first time and referred to the Committee on State Affairs.
- 23 SB 224 Introduced by: Senators Monroe and Lucas and Representatives Stevens and
24 Feickert
- 25 FOR AN ACT ENTITLED, An Act to revise and repeal certain aviation statutes and to
26 increase certain related fees.

1 Was read the first time and referred to the Committee on Local Government.

2 SB 225 Introduced by: Senators Lucas, Adelstein, Bradford, Frerichs, Jensen, Jones,
3 Novstrup (Al), Sutton, and Welke and Representatives Hickey, Bartling, Bolin, Craig, Ecklund,
4 Feickert, Feinstein, Gibson, Hajek, Hawks, Hawley, Hoffman, Hunhoff (Bernie), Killer,
5 Kirschman, Kopp, Latterell, Magstadt, Munsterman, Parsley, Peterson, Qualm, Ring, Schaefer,
6 Schrempp, Sly, Soli, Tulson, Tyler, Wick, and Wismer

7 FOR AN ACT ENTITLED, An Act to prohibit a person from keeping or maintaining a
8 place allowing underage drinking and to provide penalties therefor.

9 Was read the first time and referred to the Committee on State Affairs.

10 SB 226 Introduced by: Senator Lucas

11 FOR AN ACT ENTITLED, An Act to support Governor Mickelson's Pick-Sloan
12 settlement framework.

13 Was read the first time and referred to the Committee on Commerce and Energy.

14 SB 227 Introduced by: Senators Welke, Begalka, Bradford, Ewing, Frerichs, Holien, Jones,
15 Kirkeby, Lucas, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Rampelberg, Rhoden, and
16 Sutton and Representatives Greenfield, Campbell, Craig, Feickert, Heinert, Hunhoff (Bernie),
17 Kaiser, Kopp, Latterell, May, Novstrup (David), Otten (Herman), Parsley, Peterson, Qualm,
18 Rasmussen, Schoenfish, Schrempp, Steele, Tulson, Tyler, Verchio, and Wick

19 FOR AN ACT ENTITLED, An Act to revise provisions relating to the possession of
20 firearms on snowmobiles.

21 Was read the first time and referred to the Committee on Agriculture and Natural
22 Resources.

23 SB 228 Introduced by: Senators Welke, Frerichs, and Lucas and Representative Greenfield

24 FOR AN ACT ENTITLED, An Act to enhance the Public Utilities Commission.

25 Was read the first time and referred to the Committee on Agriculture and Natural
26 Resources.

27 SB 229 Introduced by: Senators Sutton, Bradford, Brown, Buhl, Frerichs, Jones, Lucas,
28 Maher, Olson (Russell), Rave, and Welke and Representatives Bartling, Hawley, Heinert,
29 Hunhoff (Bernie), Qualm, and Wismer

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the purpose of providing
2 funding for career and technical education.

3 Was read the first time and referred to the Committee on Appropriations.

4 SB 230 Introduced by: Senators Adelstein, Johnston, and Kirkeby and Representative
5 Hawks

6 FOR AN ACT ENTITLED, An Act to equalize certain levies for the general fund of school
7 districts.

8 Was read the first time and referred to the Committee on Education.

9 SB 231 Introduced by: Senators Heineman (Phyllis), Brown, Krebs, Olson (Russell),
10 Peters, and Tidemann and Representatives Lust, Carson, and Cronin

11 FOR AN ACT ENTITLED, An Act to develop a systematic process for the performance
12 management review of state agencies.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 232 Introduced by: Senators Rave and Olson (Russell) and Representative Cronin

15 FOR AN ACT ENTITLED, An Act to limit political contributions by certain political
16 action committees.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 233 Introduced by: Senators Rave, Adelstein, Heineman (Phyllis), Jensen, Johnston,
19 Kirkeby, Lucas, Maher, Novstrup (Al), Olson (Russell), Rampelberg, Soholt, and Vehle and
20 Representatives Cronin, Bartling, Bolin, Ecklund, Greenfield, Hansen, Hawks, Heinert, Johns,
21 Kirschman, Lust, Nelson, Novstrup (David), Ring, Schaefer, Schoenfish, Schrempp, Sly,
22 Stevens, Tulson, Tyler, Wick, and Wink

23 FOR AN ACT ENTITLED, An Act to create the critical teaching needs scholarship
24 program and the critical teaching needs trust fund, and to make an appropriation therefor.

25 Was read the first time and referred to the Committee on Education.

26 SB 234 Introduced by: Senators Rave, Krebs, Lederman, Olson (Russell), Soholt, and
27 Tidemann and Representatives Cronin, Dryden, Hunhoff (Bernie), Lust, Munsterman, and
28 Novstrup (David)

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2013 to provide funding for the increased costs associated with the Board of Regents employee
3 health insurance and to declare an emergency.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 235 Introduced by: Senators Brown and Rave and Representatives Cronin, Conzet,
6 Erickson, Gosch, Lust, and Wink

7 FOR AN ACT ENTITLED, An Act to enhance economic development opportunities for
8 the state.

9 Was read the first time and referred to the Committee on State Affairs.

10 SB 236 Introduced by: Senators Olson (Russell), Begalka, Jensen, Johnston, Kirkeby,
11 Maher, Novstrup (Al), Otten (Ernie), Rave, and Van Gerpen and Representatives Lust, Cronin,
12 Feickert, Heinemann (Leslie), and Parsley

13 FOR AN ACT ENTITLED, An Act to appropriate money to the Board of Regents to fund
14 the expansion of information systems programs and cyber security programs at Dakota State
15 University.

16 Was read the first time and referred to the Committee on Appropriations.

17 SB 237 Introduced by: Senators Olson (Russell), Adelstein, Brown, Johnston, Lederman,
18 Rave, and Vehle and Representatives Lust, Bartling, Cronin, Feickert, Gibson, Hajek, Hawks,
19 Hawley, Heinemann (Leslie), Heinert, Hunhoff (Bernie), Killer, Kirschman, Mickelson,
20 Munsterman, Parsley, Peterson, Ring, Schrempp, Soli, Tyler, Westra, and Wismer

21 FOR AN ACT ENTITLED, An Act to provide need-based scholarships to resident students
22 enrolled in postsecondary education in the state.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 238 Introduced by: Senators Olson (Russell), Begalka, Brown, Frerichs, Holien, Krebs,
25 Lederman, Maher, Rampelberg, Rhoden, Sutton, Tidemann, and White and Representatives
26 Hoffman, Craig, Cronin, Feickert, Greenfield, Kopp, Otten (Herman), and Qualm

27 FOR AN ACT ENTITLED, An Act to appropriate money to the animal damage control
28 fund for predator control services and to declare an emergency.

29 Was read the first time and referred to the Committee on Agriculture and Natural
30 Resources.

SB 239 Introduced by: Senators Peters, Brown, Holien, Novstrup (Al), Olson (Russell), Rave, and Tidemann and Representatives Cronin, Carson, Conzet, Erickson, Lust, Novstrup (David), and Romkema

FOR AN ACT ENTITLED, An Act to repeal the state's membership in the multistate tax commission.

Was read the first time and referred to the Committee on Appropriations.

SB 240 Introduced by: Senators Begalka and Frerichs and Representatives Peterson, Qualm, and Tyler

FOR AN ACT ENTITLED, An Act to provide townships the authority to impose real estate transfer fees.

Was read the first time and referred to the Committee on Local Government.

SB 241 Introduced by: Senator Lederman and Representatives Miller and Bolin

FOR AN ACT ENTITLED, An Act to make an appropriation for an invasive species research project conducted by South Dakota State University.

Was read the first time and referred to the Committee on Appropriations.

SB 242 Introduced by: Senators Lederman and Buhl and Representatives Werner, Bolin, Hawley, Rounds, and Westra

FOR AN ACT ENTITLED, An Act to increase the number of video lottery machines that may be placed in a licensed establishment.

Was read the first time and referred to the Committee on Commerce and Energy.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1028: FOR AN ACT ENTITLED, An Act to repeal the requirement that a minor be accompanied by an adult while hunting mourning doves.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

HB 1033: FOR AN ACT ENTITLED, An Act to authorize the Department of Social Services to dismantle, demolish, preserve, or rehabilitate buildings on the Human Services

1 Center campus in Yankton, South Dakota, to make an appropriation therefor, and to declare an
2 emergency.

3 Was read the first time and referred to the Committee on Appropriations.

4 HB 1038: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
5 certain family physicians, dentists, and physician assistants who have complied with the
6 requirements of the recruitment assistance program.

7 Was read the first time and referred to the Committee on Appropriations.

8 HB 1050: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
9 to the suppression of mountain pine beetles, to establish a cost share program with the counties
10 in the state, and to declare an emergency.

11 Was read the first time and referred to the Committee on Appropriations.

12 HB 1069: FOR AN ACT ENTITLED, An Act to increase the administrative assessment
13 fee for the guarantee fund.

14 Was read the first time and referred to the Committee on Local Government.

15 HB 1075: FOR AN ACT ENTITLED, An Act to revise the membership of the Legislative
16 Planning Committee.

17 Was read the first time and referred to the Committee on State Affairs.

18 HB 1086: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
19 publication of certain records by cooperatives.

20 Was read the first time and referred to the Committee on Local Government.

21 HB 1090: FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches
22 from sales tax.

23 Was read the first time and referred to the Committee on Taxation.

24 HB 1091: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the
25 labeling of motor fuel at a retail fuel pump.

26 Was read the first time and referred to the Committee on Commerce and Energy.

1 HB 1117: FOR AN ACT ENTITLED, An Act to revise the definition of a temporary
2 special events lot for the purposes of vehicle dealer licensing.

3 Was read the first time and referred to the Committee on Transportation.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 SB 103: FOR AN ACT ENTITLED, An Act to remove the required waiting period before
6 cremated remains may be released to be scattered.

7 Was read the second time.

8 The question being "Shall SB 103 pass?"

9 And the roll being called:

10 Yeas 33, Nays 0, Excused 2, Absent 0

11 Yeas:

12 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
13 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
14 (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
15 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Excused:

17 Buhl; Hunhoff (Jean)

18 So the bill having received an affirmative vote of a majority of the members present, the
19 President declared the bill passed and the title was agreed to.

20 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

21 SB 41: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
22 requirements for school bus inspection and to authorize the Highway Patrol to approve school
23 bus inspectors.

24 Was read the second time.

25 The question being "Shall SB 41 pass as amended?"

26 And the roll being called:

27 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
3 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
4 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
5 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Excused:

7 Buhl; Hunhoff (Jean)

8 So the bill having received an affirmative vote of a majority of the members present, the
9 President declared the bill passed and the title was agreed to.

10 SB 17: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
11 natural resources conservation fund to the State Conservation Commission.

12 Was read the second time.

13 17aa

14 Sen. Tidemann moved that SB 17 be amended as follows:

15 On page 1, line 6, of the printed bill, delete "(4)" and insert "(5)".

16 Which motion prevailed.

17 The question being "Shall SB 17 pass as amended?"

18 And the roll being called:

19 Yeas 33, Nays 0, Excused 2, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
22 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
23 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
24 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Excused:

26 Buhl; Hunhoff (Jean)

27 So the bill having received an affirmative vote of a two-thirds majority of the members-
28 elect, the President declared the bill passed and the title was agreed to.

SB 22: FOR AN ACT ENTITLED, An Act to make an appropriation for the construction and renovation of certain office buildings in Rapid City for the Department of Agriculture and to declare an emergency.

Was read the second time.

The question being "Shall SB 22 pass?"

And the roll being called:

Yeas 32, Nays 1, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Nays:

Maher

Excused:

Buhl; Hunhoff (Jean)

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 27: FOR AN ACT ENTITLED, An Act to revise previous session laws related to the design, construction, and equipping of a veterans home near Hot Springs, to make an appropriation therefor, and to declare an emergency.

Was read the second time.

The question being "Shall SB 27 pass?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Buhl; Hunhoff (Jean)

1 So the bill having received an affirmative vote of a two-thirds majority of the members-
2 elect, the President declared the bill passed and the title was agreed to.

3 President Michels presiding.

4 SB 90: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for
5 fiscal year 2013, to provide funding for the increased costs associated with the employee health
6 insurance and internal service bureaus, and to declare an emergency.

7 Was read the second time.

8 The question being "Shall SB 90 pass?"

9 And the roll being called:

10 Yeas 33, Nays 0, Excused 2, Absent 0

11 Yeas:

12 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
13 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
14 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
15 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Excused:

17 Buhl; Hunhoff (Jean)

18 So the bill having received an affirmative vote of a two-thirds majority of the members-
19 elect, the President declared the bill passed and the title was agreed to.

20 SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
21 production incentive payment available to ethanol producers.

22 Was read the second time.

23 85ja

24 Sen. Olson moved that SB 85 be amended as follows:

25 On page 2, after line 16 of the printed bill, insert:

26 "Section 2. That § 10-47B-166 be amended to read as follows:

27 10-47B-166. Ethyl alcohol shall be denatured before it qualifies for the ethanol production
28 incentive payment. A producer may denature the alcohol by adding gasoline or natural gasoline
29 to it in amounts equal to at least two gallons of gasoline or natural gasoline for each ninety-eight

gallons of alcohol. The alcohol may also be denatured by any other method common in the industry if the secretary is notified in writing of the method of denaturing before the denaturing occurs. If the ethyl alcohol is to be shipped outside of the United States of America, the ethyl alcohol does not need to meet the provisions of this section to qualify for the ethanol production incentive payment."

Which motion prevailed.

The question being "Shall SB 85 pass as amended?"

And the roll being called:

Yeas 33, Nays 0, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Excused:

Buhl; Hunhoff (Jean)

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 18: FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to construct a 4-H exhibit hall in Huron and to make an appropriation therefor.

Was read the second time.

The question being "Shall SB 18 pass as amended?"

And the roll being called:

Yeas 32, Nays 1, Excused 2, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

Nays:

Maher

1 Excused:
2 Buhl; Hunhoff (Jean)

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 SB 19: FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to
6 construct a housing unit in Huron, to make an appropriation therefor, and to declare an
7 emergency.

8 Was read the second time.

9 The question being "Shall SB 19 pass as amended?"

10 And the roll being called:

11 Yeas 29, Nays 4, Excused 2, Absent 0

12 Yeas:
13 Adelstein; Begalka; Bradford; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Jensen;
14 Jones; Kirkeby; Krebs; Lederman; Lucas; Novstrup (Al); Olson (Russell); Omdahl; Peters;
15 Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke;
16 White

17 Nays:
18 Johnston; Maher; Monroe; Otten (Ernie)

19 Excused:
20 Buhl; Hunhoff (Jean)

21 So the bill having received an affirmative vote of a two-thirds majority of the members-
22 elect, the President declared the bill passed and the title was agreed to.

23 SB 59: FOR AN ACT ENTITLED, An Act to prohibit the disposal of certain oil and gas
24 field wastes.

25 Was read the second time.

26 The question being "Shall SB 59 pass as amended?"

27 And the roll being called:

28 Yeas 26, Nays 7, Excused 2, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Ewing; Frerichs; Heineman (Phyllis); Jensen; Jones; Kirkeby;
3 Krebs; Lederman; Lucas; Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
4 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

5 Nays:

6 Brown; Holien; Johnston; Maher; Monroe; Novstrup (Al); Olson (Russell)

7 Excused:

8 Buhl; Hunhoff (Jean)

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 SB 53: FOR AN ACT ENTITLED, An Act to expand the application of the farm decal
12 system.

13 Was read the second time.

14 The question being "Shall SB 53 pass?"

15 And the roll being called:

16 Yeas 30, Nays 3, Excused 2, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Frerichs; Heineman (Phyllis); Jensen; Johnston; Jones;
19 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl;
20 Otten (Ernie); Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen;
21 Vehle; Welke; White

22 Nays:

23 Ewing; Holien; Peters

24 Excused:

25 Buhl; Hunhoff (Jean)

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 78: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical
29 requirements for intrastate drivers transporting passengers.

30 Was read the second time.

78xa

1

2

Sen. Brown moved that SB 78 be amended as follows:

3

On page 2, line 6, of the printed bill, after "49" insert "of the Code of Federal Regulations".

4

Which motion prevailed.

5

The question being "Shall SB 78 pass as amended?"

6

And the roll being called:

7

Yeas 23, Nays 9, Excused 3, Absent 0

8

Yeas:

9

Adelstein; Begalka; Bradford; Ewing; Frerichs; Heineman (Phyllis); Jensen; Jones; Kirkeby;

10 Krebs; Lucas; Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Rhoden; Soholt; Sutton;

11 Tidemann; Tieszen; Vehle; Welke; White

12

Nays:

13

Brown; Holien; Johnston; Maher; Monroe; Peters; Rampelberg; Rave; Van Gerpen

14

Excused:

15

Buhl; Hunhoff (Jean); Lederman

16

So the bill having received an affirmative vote of a majority of the members-elect, the

17

President declared the bill passed.

18

The question being on the title.

19

78ra

20

Sen. Vehle moved that the title to SB 78 be amended as follows:

21

On page 1, line 2, of the printed bill, after "passengers" insert "and to update certain
22 references to federal statutes".

23

Which motion prevailed.

24

SIGNING OF BILLS

25

The President publicly read the title to

1 SB 46: FOR AN ACT ENTITLED, An Act to repeal certain outdated statutes and cross
2 references related to the Department of Health.

3 SB 54: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
4 references to the Internal Revenue Code.

5 HB 1022: FOR AN ACT ENTITLED, An Act to repeal certain outdated programs relating
6 to the Department of Human Services.

7 HB 1036: FOR AN ACT ENTITLED, An Act to prohibit retention of certain
8 administration costs for untimely 911 surcharge remittances.

9 HB 1040: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to
10 provide lists of licensed boat dealers.

11 HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
12 practice of optometry.

13 And signed the same in the presence of the Senate.

14 Sen. Jones moved that the Senate do now adjourn, which motion prevailed and at 3:56 p.m.
15 the Senate adjourned.

16 Jeannette Schipper, Secretary